

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

<p>Trinity Bias and Jaime Cardenas, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>Elephant Insurance Company, Elephant Insurance Services, LLC, and Apparent Insurance,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 3:22cv483</p> <p>CLASS ACTION</p>
<p>Christopher Holmes, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>Elephant Insurance Company, Elephant Insurance Services, LLC, and Platinum General Agency, Inc. d/b/a Apparent Insurance,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 3:22cv487</p> <p>CLASS ACTION</p>

ORDER

This matter is before the Court on Plaintiffs’ Motion for Appointment of Interim Class Counsel in Consolidated Action (the “Motion”), (Civil Action No. 3:22cv487, ECF No. 11). Upon consideration of the Motion, the Court having reviewed the pleadings filed by Plaintiffs Trinity Bias, James Cardenas, and Christopher Holmes (collectively, “Plaintiffs”) herein, it is hereby **ORDERED** that Plaintiffs’ Motion is **GRANTED**.

IT IS HEREBY ORDERED THAT:

1. The Court concludes that interim co-lead counsel and liaison counsel for Plaintiffs should be appointed in order to achieve efficiency and economy in what is likely to be expensive and complicated litigation, while not jeopardizing fairness to the parties.

2. Pursuant to Federal Rule of Civil Procedure 23(g)(3), Plaintiffs have moved for an order in the Consolidated Action appointing Kate M. Baxter-Kauf of Lockridge Grindal Nauen P.L.L.P. (“LGN”) and M. Anderson Berry of Clayco C. Arnold, A Professional Law Corp. (the “Arnold Law Firm”) as Co-Lead Interim Class Counsel. Plaintiffs also move for an order appointing Mr. Steven T. Webster of Webster Book LLP and Lee Adair Floyd of Breit Biniazan, PC as Co-Liaison Interim Class Counsel. The Court has carefully reviewed the motion and its accompanying submissions, and has also considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure. The parties’ submission demonstrates that Plaintiffs’ proposed interim co-lead class counsel satisfy the requirements of Rule 23(g). This includes the work counsel has done in identifying or investigating potential claims in the action; counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; counsel’s knowledge of the applicable law; and the resources that counsel will commit to representing the class.

3. For the foregoing reasons, Plaintiffs’ Motion to Appoint Interim Co-Lead Class Counsel is granted. Kate M. Baxter-Kauf of LGN and M. Anderson Berry of the Arnold Law Firm are hereby appointed Co-Lead Interim Class Counsel.

4. The duties of Co-Lead Interim Class Counsel shall include responsibility for the following:

- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of Plaintiffs on all matters arising from pretrial proceedings;
- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs, consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
- c. Conduct settlement negotiations on behalf of Plaintiffs and any proposed Plaintiff classes, but not enter into binding agreements except to the extent authorized by law;
- d. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation is conducted efficiently and effectively;
- e. Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- f. Prepare and distribute periodic status reports to the parties;
- g. Maintain adequate contemporaneous time and cost records covering services as co-lead counsel and collect such information from Plaintiffs' co-counsel on at least a monthly basis. Co-lead counsel will provide summaries of such time and cost records for in camera review at the Court's request;
- h. Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
- i. Perform such other pretrial duties as may be incidental to the proper coordination of pretrial activities or authorized by further order of the Court.

5. Steven T. Webster of Webster Book LLP and Lee Adair Floyd of Breit Biniazan, PC are hereby appointed as Co-Lead Interim Liaison Class Counsel.

6. The duties of Co-Lead Interim Liaison Class Counsel include:

- a. Communicate with the Court on behalf of the Plaintiffs, concerning scheduling and other administrative matters, and complete all filings consistent with Eastern District of Virginia Local Rules;
- b. Maintain an up-to-date, comprehensive service list and promptly advise the Court and Defendants' counsel of changes to Plaintiffs' service list;
- c. Receive and distribute to Plaintiffs' counsel, as appropriate, orders, notices, and correspondence from the Court, to the extent such documents are not electronically filed;
- d. Receive and distribute to Plaintiffs' counsel, as appropriate, discovery, pleadings, and correspondence and other documents from Defendants' counsel that are not electronically filed; and
- e. Perform such other pretrial duties as may be incidental to the responsibilities of liaison counsel or authorized by further order of the Court.

7. In no event shall any document be filed, or any discovery be served, on behalf of Plaintiffs without the approval of Plaintiffs' Co-Lead Interim Class Counsel, Liaison Counsel, or leave of Court, and any such filing may be stricken.

Dated: 30 August, 2022
Richmond, Virginia

/s/ J. A. Gibney Jr.
John A. Gibney, Jr.
Senior United States District Judge
Hon. John A. Gibney Jr.
United States District Court Judge